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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARY ANN KERRIGAN,

11 Plaintiff,

12 v.

13 QBE INSURANCE CORPORATION, a
14 foreign insurance company,

15 Defendant.

Case No. 16-1637RSM

ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL

16 This matter comes before the Court on Defendant QBE Insurance Corporation
17 ("QBE")'s Motion to Compel. Dkt. #19. Pursuant to Rule 37 and Local Rule 37, QBE moves
18 the Court for an Order compelling Plaintiff to "fully respond to QBE's Requests for Production
19 and Interrogatories within one week." Dkt. #19 at 2. Plaintiff Mary Ann Kerrigan fails to
20 oppose this Motion. For the reasons set forth below, the Court GRANTS QBE's Motion.
21

22 **I. BACKGROUND**
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24 A full background of this case is not necessary for the purposes of this Motion. QBE
25 served Ms. Kerrigan with Requests for Production and Interrogatories on March 15, 2017. Dkt.
26 #20-1. Ms. Kerrigan's responses to the Requests for Production and Interrogatories were due
27 on April 15, 2017, but she has not yet responded. See Dkt. #19. Counsel for QBE met and
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1 conferred with Ms. Kerrigan by telephone on May 3, 2017. Dkt #20 at ¶ 3. During that call,
2 Kerrigan would not commit to responding to the Requests for Production and Interrogatories
3 within any specific timeframe. *Id.* Ms. Kerrigan also stated that her mailing address is now
4 10121 Evergreen Way #25-212, Everett, WA 98204.¹ *Id.* at ¶ 4. QBE filed the instant Motion
5 to Compel on May 4, 2017. Ms. Kerrigan has subsequently communicated via email with QBE
6 but has failed to file a responsive brief or otherwise communicate with the Court. *See* Dkt. #22
7 at ¶ 3.

9 II. DISCUSSION

10 If requested discovery is not answered, the requesting party may move for an order
11 compelling such discovery. Fed. R. Civ. P. 37(a)(1). The party that resists discovery has the
12 burden to show why the discovery request should be denied. *Blankenship v. Hearst Corp.*, 519
13 F.2d 418, 429 (9th Cir. 1975).

14 The record indicates that Plaintiff has intentionally failed to respond to QBE's
15 discovery requests. Plaintiff has failed to explain her actions or why this Motion should be
16 denied, as is her burden. *See Blankenship, supra.* Accordingly, the Court finds that QBE's
17 requested relief is warranted and will grant its Motion.

20 III. CONCLUSION

21 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,
22 and the remainder of the record, the Court hereby finds and ORDERS:

23 1) Defendant QBE's Motion to Compel (Dkt. #19) is GRANTED.

24 2) Plaintiff is ORDERED to serve full and complete responses to QBE's March 15,
25 2017, Requests for Production and Interrogatories **within seven days of the date of**
26 **this Order.**

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¹ The Court notes that this address now matches the address used by the Court for Ms. Kerrigan. *See* Docket.

DATED this 22 day of May, 2017.

A handwritten signature in black ink, appearing to read 'R. Martinez', written over a horizontal line.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE